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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,770	01/21/2004	Petri M. Hirvonen	944-003.167-1	3106

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EXAMINER

PEREZ, JULIO R

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/762,770	Applicant(s) HIRVONEN, PETRI M.	
	Examiner Julio R. Perez	Art Unit 2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Arguments***

1. Applicant's arguments filed on 11/14/05 have been fully considered but they are not persuasive. Applicant argues that SONY does not output the identity on the communication device.

In response, the claim language does not particularly and uniquely distinguish from the applied prior art. For example, the "identity" can be stored in either device as claimed.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Regarding claim 1, 11, 21, in the phrase "the communication device having means for outputting the identity in a perceptually noticeable for, 'the communication device is not clear which "communication device."

4. Regarding claims 7-9, 17-19 contains the trademark/trade name *Bluetooth*. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade

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name is used to identify/describe a communication device, an image receiver, TV set, and, accordingly, the identification/description is indefinite.

The term Bluetooth is interpreted as short-range communications.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-26 are rejected under 35 U.S.C. 102(b) as being anticipated by “Sony” (integrated Remote Commander: Operating Instructions, Document No. 3-048-64674(1), RM-AV2100/AV2100B, (c) 2000 Sony Corporation).

Regarding claim 1, Sony discloses a method of revealing an identity of a communication device in a wireless communication system for establishing a communication link between the communication device with a further communication device based on the identity of the communication device, said method comprising: providing a signal in the communication device in response to an action on the communication device (page 11, column 2-page 12, column 1, while pressing the commander OFF and muting, the device depicts the identity of the device); and outputting, in response to the signal, the identity in a perceptually noticeable form, so that the outputted identity can be used to establish the communication link (page 11, column 2-page 12, columns 1-2, the action of turning the devices ON, produces a

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signal, which, in turn, beeps as well, to display an identification code, in order for a communication to be established between the two devices).

Regarding claim 2, Sony discloses, wherein the action comprises powering up the communication device (page 11, column 2-page 12, columns 1-2, the action performed on the device is turning the device ON).

Regarding claim 3, Sony discloses, wherein the communication device comprises a displaying device, and said outputting comprises displaying on the displaying device a visible message indicative of the identity (page 11, column 2-page 12, columns 1-2, page 13, columns 1-2, the device includes a display for depicting the identification code).

Regarding claim 4, Sony discloses, wherein the communication device is operatively connected to a displaying device, and said outputting comprises sending information indicative of the identity to the displaying device so as to allow the displaying device to display a visible message indicative of the information (page 11, column 2-page 12, columns 1-2, a display is included within the device).

Regarding claim 5, Sony discloses, wherein the communication device comprises a sound-producing device, and said outputting comprises announcing an audible message indicative of the identity on the sound-producing device (page 12, column 2, a beep sound indicates the identification code).

Regarding claim 6, Sony discloses, wherein the action comprises sending a communication signal from the further communication device to said communication device (page 12, column 2, steps 4-6, page 13, column 13, columns 1-2).

Regarding claim 7, Sony discloses, wherein the communication device and the further communication device are Bluetooth devices (page 12, column 2, steps 4-6, page 13, column 13, columns 1-2, both, the TV set and remote commander are short-range communications devices).

Regarding claim 8, Sony discloses, wherein the communication device comprises a Bluetooth image receiver (page 12, column 2, steps 4-6, page 13, column 13, columns 1-2, the remote commander comprises an image receiver, display, that operates in short-range environment).

Regarding claim 9, Sony discloses, wherein the communication device comprises a Bluetooth TV set (page 12, column 2, steps 4-6, page 13, column 13, columns 1-2, a television for short-range communication is included).

Regarding claim 10, Sony discloses, wherein the communication link comprises an initial communication link for pairing the communication device with the further communication device, and wherein said outputting is carried out only if the communication link is the initial communication link (page 12, column 2, steps 4-6, page 13, column 13, columns 1-2, after displaying the identity code, a radio link is provided in order for the TV set to communicate with the commander).

Regarding claim 11, Sony discloses a method of establishing an initial communication link between a first communication device and a second communication device, the first communication device having a device identity, said method comprising: outputting the device identity in a perceptually noticeable form, in response to an action on the first communication device (page 11, column 2-page 12, column 1, while

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pressing the commander OFF and muting, the device depicts the identity of the device, the commander may act as a first device); and providing to the second communication device information indicative of the outputted identity (page 12, column 2, steps 4-6, page 13, column 13, columns 1-2, the TV set may be operated by the remote commander in view of the displayed code).

Regarding claim 12, Sony discloses, wherein the action comprises powering up the first communication device (page 11, column 2-page 12, columns 1-2, the action performed on the device is turning the device ON).

Regarding claim 13, Sony discloses, wherein the action comprises sending a signal from the second communication to the first communication device (page 12, column 2, steps 4-6, page 13, column 13, columns 1-2, the TV transmits a signal to the remote).

Regarding claim 14, Sony discloses, said information providing is carried out by a user (page 12, column 2, steps 4-6, page 13, column 13, columns 1-2, the user manipulates the remote device and TV).

Regarding claim 15, Sony discloses, wherein the first communication device comprises an image viewer (page 12, column 2, steps 4-6, page 13, column 13, columns 1-2, the remote commander comprises an image receiver, display, that operates in short-range environment).

Regarding claim 16, Sony discloses, wherein the first communication device comprises an image receiver (page 12, column 2, steps 4-6, page 13, column 13,

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columns 1-2, the remote commander comprises an image receiver that operates in short-range environment).

Regarding claim 17, Sony discloses, wherein the first communication device comprises a Bluetooth TV set (page 12, column 2, steps 4-6, page 13, column 13, columns 1-2, a television for short-range communication is included).

Regarding claim 18, Sony discloses, wherein the first communication device comprises a Bluetooth image-displaying device (page 12, column 2, steps 4-6, page 13, column 13, columns 1-2, a television for short-range communication is included).

Regarding claim 19, Sony discloses, wherein the first communication device comprises a Bluetooth image receiver operatively connected to an image-displaying device (page 11, column 2-page 12, columns 1-2, a display is included within the device).

Regarding claim 20, Sony discloses, wherein the second communication device comprises a mobile terminal (page 11, column 2-page 12, columns 1-2, the remote commander is a mobile portable).

Regarding claim 21, Sony discloses a communication device having a device identity in a wireless communication system, the wireless communication system comprising at least a further communication device for communicating with the communication device, said communication device comprising: a storing device for storing data indicative of the device identity (page 11, column 2-page 12, columns 1-2, the remote commander contains the codes within its storage); and an output device, operatively connected to the storing device, for providing information in a perceptually



noticeable form indicative of the device identity, so as to allow a user to use the provided information to establish an initial communication link between the communication device and the further communication device (page 12, column 2, steps 4-6, page 13, column 13, columns 1-2, the remote commander displays its code to communicate with the TV set, located at a short range from the remote).

Regarding claim 22, Sony discloses, further comprising a displaying device operatively connected to output device for displaying a visible message indicative of the device identity (page 11, column 2-page 12, columns 1-2, a display is included within the device).

Regarding claim 23, Sony discloses, wherein the output device is operatively connected to a displaying device for displaying a visible message indicative of the device identity on the displaying device (page 11, column 2-page 12, columns 1-2, a display is included within the device, and which displays the code indicative of the ID code of the device).

Regarding claim 24, Sony discloses, comprising an image viewer (page 12, column 2, steps 4-6, page 13, column 13, columns 1-2, the remote commander comprises an image receiver, display, that operates in short-range environment).

Regarding claim 25, Sony discloses, comprising an image receiver (page 12, column 2, steps 4-6, page 13, column 13, columns 1-2, the remote commander receives information).

Regarding claim 26, Sony discloses, comprising a Bluetooth image receiver operatively connected to a non-Bluetooth image display device (page 12, column 2,

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steps 4-6, page 13, column 13, columns 1-2, both, the TV set and remote commander are short-range communications devices).

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

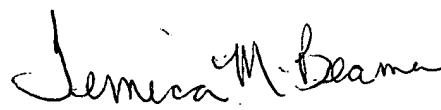
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio R. Perez whose telephone number is (571) 272-7846. The examiner can normally be reached on 7:00 - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272- 4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Julio Perez  
2/6/06

  
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PRIMARY EXAMINER  
2/6/06